

Election Procedures Review
Of
Benton County
State of Washington
2007 Primary Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program



Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years. The Legislature also added a requirement that the Program conduct a follow-up visit to verify that the County Auditor's Office has taken steps to correct the problems noted in the report.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Benton County during the 2007 Primary Election cycle. Sheryl Moss, Certification and Training Program Manager, represented the Election Certification and Training Program during the review. Bobbie Gagner, Benton County Auditor, Susie Christopher, Stuart Holmes, and other members of the staff participated on behalf of the Benton County Auditor's Office.

Both the reviewer and the Benton County Elections Department approached the review in a spirit of cooperation. The department allowed the reviewer to thoroughly review and examine all aspects of the election processes. The staff provided documentation and materials during the review which greatly contributed to a successful examination process.

The purpose of this review report is to provide the Benton County Elections Department with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist the Benton County Elections Department in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election, or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting the validity of the outcome of any election or of any canvass of election returns.

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Overview

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The election staff verbally explained some tasks the reviewer was unable to observe.

The Benton County Elections staff has excellent procedures. They are extremely conscientious, especially in the area of security. They have excellent ballot accountability procedures, ensuring they balance everyday before proceeding to the next step in the process. They use numbered seals and logs through all ballot processing.

The elections department has developed many innovative approaches to its election process. An example of this is the use of colored clips attached to mail trays to track the stages of ballot processing and to assist in tracking ballots. It is evident that ballot security and accountability is a high priority in the department.

The following recommendations and suggestions will help improve and enhance Benton County's election policies and procedures.

Recommendations

The following recommendations indicate where the county is out of compliance with the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), the Washington State Constitution, or federal election law. The reviewer obtained information based on actual observation of a procedure, verbal explanation of a procedure, or written procedures. The reviewer provides a description of the county's procedure, a citation of the applicable law, and a recommendation based on the citation.

Precincts

Benton County has a number of precincts that are made up of several different non-contiguous sections.

RCW 29A.15.050 (2) states, "Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas."

Recommendation: Benton County needs to alter precinct boundaries in the precincts where the boundaries are not contiguous, even if no registered voters reside in the individual sections. In these precincts, each individual section may be made a separate precinct.

Notice of Election

The Notice of Election was published in a timely manner and included most required information. It was missing only two items—instructions for voting and a statement that postage is required to return the ballots.

*RCW 29A.52.311 requires, "The notice must contain the proper party designations, the names and addresses of all persons who have filed a declaration of candidacy to be voted upon at that primary, **instructions for voting the applicable ballot, as provided in chapter 29A.36 RCW**, the hours during which the polls will be open, and the polling places for each precinct, giving the address of each polling place."*

WAC 434-250-310 (3) states "In addition to the information required in the notice of election published pursuant to RCW [29A.52.351](#) and [29A.52.311](#), a county auditor conducting an election by mail, including a county auditor that conducts every election by mail, must also state:

- (a) The election will be conducted by mail and regular polling places will not be open;*
- (b) The precincts that are voting by mail if it is only specific precincts rather than the entire county;*
- (c) The location where voters may obtain replacement ballots;*
- (d) Return postage is required;***
- (e) The dates, times and locations of designated deposit sites and voting centers."*

Recommendation: Benton County should add voting instructions and postage requirements to its Notice of Election.

Request for Political Observers

Benton County correctly notifies each major political party of the events where political observers are needed. The number of observers needed to cover all parts of the processing was not included in the notification.

WAC 434-261-020 requires, “Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. Counting center observers shall be provided training with respect to ballot processing procedures and the vote tallying system as required by RCW 29A.12.120.”

Recommendation: Benton County should determine the minimum number of party representatives needed to observe different events and request that number from each of the major political parties.

Notice of Certification

While a notice was published for canvassing board meetings, there were no specific dates or times listed for the meetings. Instead a timeframe consisting of a beginning date and an end date was listed.

RCW 29A.60.190 (1) requires, “Except as provided by subsection (3) of this section, fifteen days after a primary or special election and twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls, and each absentee ballot bearing a postmark on or before the date of the primary or election and received on or before the date on which the primary or election is certified, must be included in the canvass report.”

WAC 434-262-025 states, “The auditor shall publish notice of the meetings of the canvassing board. Such notice or notices shall be in substantially the following form:

OPEN PUBLIC MEETING NOTICE

The canvassing board of (Name of County) County, pursuant to chapter 29A.60 RCW, will hold public meetings at (Time of Meetings), (Dates), at (Locations), to (Purpose of Meetings). These meetings of the canvassing board are open, public meetings, and shall be continued until the activity for which the meetings are held has been completed.”

Recommendation: The County Canvassing Board meetings are governed by the Open Public Meetings Act, which requires notices list the dates, times, and places for meetings. (See RCW Chapter 42.30) Additionally, the above RCW and WAC require specific dates and times. The processing of ballots by County Auditor staff members are not considered a canvassing board meeting. The notice should list the date, time, and location of any canvassing board meeting where the three members meet to make decisions, such rejecting ballots or certifying an election.

Suggestions

The following are suggestions for increasing efficiency and improving operations within the County Auditor's Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks as areas of election administration in which the County Auditor might improve the efficiency and operation of the office.

Request for Voter Identification

The notice requesting identification when that identification is missing from a voter registration asks for one of the following: Washington driver license or ID card, last four digits of a social security number, or a copy of another identifying document approved by the Help America Vote Act. A Washington driver license or ID number are required if the voter possesses them.

Suggestion: The letter should ask for a driver's license or ID number first and then instruct the voter that if they do not possess either, they can provide one of the other acceptable forms of identification.

Workspace

Benton County has made good use of its workspace. There are two rooms that provide secure areas for ballot storage and tabulation equipment. The remaining space, while organized, must be used for multiple tasks, such as checking signatures, processing ballots, conducting canvassing board meetings, etc.

Suggestion: The space available will not be adequate for elections where there is a large turnout. The department does not have room to conduct multiple tasks at the same time or enough room to accommodate the extra help needed for such an election. Following the 2004 Governor's race, there has been greater emphasis on the accuracy and accountability of ballot processing. The current workspace arrangement jeopardizes the accuracy of operations in the office, especially next year. The county should provide more workspace for the elections department.

Voter Registration Management System

Benton County currently uses Power Profile as its voter registration management system. While it is approved by the Secretary of State, the system seems inadequate to provide all necessary functions.

Suggestion: Benton County should develop a plan to replace the Power Profile system. There are at least two other approved voter registration management systems that would meet the county's needs.

County's Response to Draft Review Report

The Election Certification and Training Program issued a Draft Review Report to the Benton County Canvassing Board following the 2007 Primary. In accordance with WAC 434-260-145, we provided Benton County 10 days to respond, in writing, to recommendations listed in the draft report.

The Benton County Canvassing Board provided the following response to the Draft Review Report. The signed original of their response is on file in the Office of the Secretary of State.



BENTON COUNTY
BOBBIE GAGNER, AUDITOR

Brenda Chilton, Chief Deputy Auditor
Van H. Pettey, CPA, Chief Accountant
Susie Christopher, Election/Recording Administrator

February 13, 2008

The Honorable Sam Reed
Secretary of State
State of Washington
Elections Division
P.O. Box 40232
Olympia, WA 98504-0232

**RE: Election Procedures Review of Benton County
2007 Primary Election**

Dear Sam:

We want to thank you for the opportunity to have our Election Department reviewed. We have always advocated the oversight provided by the Secretary of State's Office. We view this as an important tool that allows us to continue to promote voter confidence.

Benton County has the following responses to the recommendations and suggestions to the Election Procedures Review of Benton County, 2007 Primary Election:

RECOMMENDATIONS

Precincts: We have had a number of annexations over the past few years that have left some precincts with non-contiguous boundaries. We plan to correct these precinct boundaries this year.

Notice of Election: We have followed the reviewer's recommendation and made the suggested additions to our Notice of Election.

Request for Political Observers: We have followed the reviewer's recommendation and added the suggested items to our notification to the parties.

Notice of Certification: We have followed the reviewer's recommendation and updated our canvassing board meeting notice to include the suggested information and removed other unnecessary items.

SUGGESTIONS

Request for Voter Identification: We have followed the reviewer's suggestion and updated our request for voter identification as indicated.

The Honorable Sam Reed
February 13, 2008
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Workspace: The Board of Commissioners is aware of our space needs and continues to work with us to accommodate additional workspace.

Voter Registration Management System: We share the reviewer's concern with regard to our current voter registration management system and plan to address this issue in the 2008 budget process.

Let us close by thanking you and your staff, especially Sheryl Moss, for their continued courtesy and professionalism.

Very truly yours,



BOBBIE GAGNER
BENTON COUNTY AUDITOR

BG/bc

cc: Sheryl Moss, Election Certification & Training Manager
The Honorable Claude Oliver, Commissioner
The Honorable Andy Miller, Prosecuting Attorney
Patrick McBurney, Chair, Benton County Republican Central Committee
Bob Parazin, Chair, Benton County Democratic Central Committee

Conclusion

Benton County has an exceptional elections operation. Excellent procedures, tight security measures, ballot accountability, and attention to detail all contribute to a well-run office. The reviewer commends the Benton County elections staff for their organization and dedication to the integrity of the elections process.

The areas listed in this report will help keep procedures in compliance with statute and rule. Many require only minor changes in forms, notices, or procedures. However, because elections are so complicated, even minor changes can have a major impact on the election process.

Other than the recommendations listed in this report, the reviewer is concerned with the workspace issue. The elections staff is extremely organized and has made the best use of their current space. A county that votes entirely by mail needs extra space to process ballots in a manner that does not jeopardize the accuracy and integrity of elections. While the election department was well run during an odd-year primary, the increased number of voter registrations and ballots anticipated in the coming year makes the space inadequate. A solution to the workspace issue needs to be found as soon as possible.

Benton County has employed excellent procedures and follows them conscientiously. The election staff should be commended for the attention to detail and the innovative ideas employed to accurately and efficiently administer elections.

During the review, the staff members were professional and cooperative. Following the recommendations and suggestions in this report will further improve the processes of the Benton County Auditor's Office.

Review Report Prepared by:

Sheryl Moss
Elections Program Manager
Office of the Secretary of State



Date: March 6, 2008

Signature